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Canada**

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## **QUESTIONS AND ANSWERS ON THE PROPOSED ENVIRONMENTAL PROTECTION ACT**

### **1. WHAT OPPORTUNITIES WILL CANADIANS HAVE TO COMMENT ON THE PROPOSED ENVIRONMENTAL PROTECTION ACT?**

On December 18, 1986, in the House of Commons, the Minister of Environment tabled the proposed Environmental Protection Act in the form of a Draft Bill for Discussion Purposes. The Draft Bill is also being released to the public through Environment Canada's offices in major centres across the country.

#### **Consultation**

#### **Phase**

The Minister is inviting comments on the proposal from individuals, governments, groups or companies. The public consultation and comment period will extend through March 1987. Information outlining this consultation process is available from Environment Canada's offices across the country.

The Draft Bill will be refined through the consultation process before the legislation is introduced in the House of Commons for First Reading.

### **2. WILL THE NEW ACT IMPROVE PROTECTION OF THE HEALTH OF CANADIANS AND THEIR ENVIRONMENT FROM CHEMICAL POLLUTION?**

#### **Comprehensive Approach**

The proposed Act provides a comprehensive framework assisting governments to control toxic chemicals throughout their life cycle --namely from their development, through their manufacture, transport, distribution, use, storage, right up to their ultimate disposal as waste.

#### **Emphasis on Prevention**

It introduces new provisions that will require that chemicals are tested adequately so as to ensure that unduly hazardous

products do not enter the Canadian marketplace without restriction.

### 3. DOES THE PROPOSED ACT CLOSE THE REGULATORY GAPS IN THE CONTROL OF TOXICS?

The proposed Act provides the Minister of Environment with comprehensive powers to intervene directly in the management of toxic chemicals throughout their entire life cycle, in order to protect human health and the environment. Although the Minister would have these powers, he would not be required to exercise them where other federal or provincial safeguards are in place.

The purpose of the new Environmental Protection Act is to ensure that there is a consistent framework for dealing with toxic chemicals in Canada and that there are no regulatory gaps. The new law recognizes the shared responsibility for the management of toxic chemicals, and has been designed so as to complement other legislation with which it co-exists.

### 4. HOW DOES THIS NEW ACT AFFECT THE FEDERAL GOVERNMENT'S OWN AGENCIES AND ACTIVITIES?

The toxic substances provisions of the legislation will apply equally to federal departments, agencies and Crown corporations and the private sector.

Federal Lands,  
Works and  
Undertakings

Other provisions of the proposed Environmental Protection Act will allow other federal Ministers to co-sponsor environmental quality requirements with the Minister of Environment. These requirements will ensure that the federal government undertakes its business within prescribed environmental rules.

**Environmental Guidelines**

The Act will also include authorities to establish environmental guidelines and objectives for guidance of federal departments, agencies, Crown corporations and regulating bodies.

**5. WILL THIS ACT BE MORE EFFECTIVE IN DEALING WITH ENVIRONMENTAL POLLUTION THAN EXISTING FEDERAL LEGISLATION?**

**Increased Powers**

The proposed Environmental Protection Act establishes a framework for protecting the environment from chemical substances. The federal government will be able to regulate chemicals at all stages of their life cycle.

**Information Requirements**

The legislation Act would require that industry notify the federal government before the introduction of a chemical into the Canadian marketplace and provide sufficient information to enable a full assessment of health and environmental impacts. The Government of Canada will now be able to require information on a chemical substance and to require testing, where the government has reason to suspect that the material is toxic. Under the current Environmental Contaminants Act, the federal government must be convinced a danger exists before additional information can be required.

The proposed legislation provides for improved powers for inspectors. These powers are consistent with the principles contained in the Charter of Rights.

**New Penalties**

The proposed Act sets a maximum fine of \$1,000,000 and five years as the maximum term of imprisonment. This contrasts with the current Environmental Contaminants Act's maximum fine of \$100,000 and two years' imprisonment and the Clean Air Act's maximum fine of \$200,000.

**Court Orders**

The courts would be empowered to impose a fine related to the profits realized through an action that is in contravention of the Act. In such cases, there would be no maximum

fine. The new legislation would also allow the courts, at the request of the Minister of Environment, to impose community service orders, to order the offender to stop the polluting activity, to order the offender to restore the damaged environment, to require the offender to pay the costs of the investigation and any corrective measures taken by the federal government, and to pay the federal government's prosecution costs.

#### Consolidation

The proposed Environmental Protection Act will consolidate the environmental protection provisions of the Environmental Contaminants Act, Clean Air Act and Part III of the Canada Water Act, as well as Section 6(2) of the Department of Environment Act, which allows the Minister of Environment to establish environmental protection guidelines for federal departments and agencies to use in exercising their mandate.

The result will be a strengthened, flexible piece of legislation that will allow the Minister of Environment to take direct action to deal with a broad range of pollution problems.

#### 6. THE NEW ACT HAS SPECIFIC PROVISIONS TO DEAL WITH CHEMICALS THAT ARE NEW TO THE CANADIAN MARKETPLACE, WILL THE NEW LEGISLATION DEAL WITH CHEMICALS ALREADY IN USE?

It is recognized that there are currently more than 30,000 chemicals in use in Canada. Some of these substances have entered the environment in a way that has caused pollution and damage.

#### Additional Information on Chemicals in Use

The new Environmental Protection Act will give the government increased information powers to require information from industry on a substance which is suspected to be toxic. The current Environmental Contaminants Act effectively

requires proof of a danger before information can be requested.

**Evaluation of  
Existing Chemicals**

There will be increased emphasis on screening all chemicals currently in use in Canada in order to identify which substances should have more detailed evaluation. This will lead to improved controls on existing chemicals.

**7. WHY DOESN'T THE ENVIRONMENTAL PROTECTION ACT CONSOLIDATE ALL EXISTING FEDERAL ENVIRONMENTAL LEGISLATION?**

**Shared  
Responsibility**

Environmental protection provisions are found in many federal statutes that address and regulate activities in such sectors as agriculture, transportation and energy.

The environmental considerations are an integral part of the overall regulation of these sectors and cannot be separated from the other aspects of the legislation involved. The proposed Environmental Protection Act provides the policy and management framework which will enable federal Ministers to integrate environmental considerations effectively and consistently into their operations.

This ensures that protection of the environment is a responsibility shared by the entire Government of Canada.

**8. WILL THIS ACT GIVE THE FEDERAL GOVERNMENT POWER TO STOP CHEMICAL POLLUTERS?**

Yes. The proposed Act will give the federal government the power to ban high risk chemicals. It will also allow for a full range of responses, including regulating the ways in which toxic chemicals are manufactured, tested, distributed, used and disposed of safely.

9. WILL THE NEW ENVIRONMENTAL PROTECTION ACT GIVE THE MINISTER POWER TO RECALL DANGEROUS CHEMICALS OR PRODUCTS?

Recall

Yes. The Minister of Environment will have the power to recall chemicals or products that contain chemicals that have been manufactured, imported, processed or distributed in contravention of the Act or its regulations.

10. WILL THIS ACT HARMONIZE WITH PROVINCIAL PROGRAMS?

The proposed Environmental Protection Act will establish a framework for action and co-exist with provincial environmental legislation.

These provisions are not intended to supplant provincial operative legislation but will be used in a complementary way.

Co-operative Action  
with the Provinces

Agreements with the provinces can be established to set out relative roles and co-operative approaches in meeting shared responsibilities. The administration of the new Environmental Protection Act will give emphasis to the front-end of the life cycle of chemicals, the most effective place to effect preventive measures.

11. HOW MUCH WILL THIS NEW ACT COST? - TO TAXPAYERS? - TO INDUSTRY?

Costs to the  
Federal Government

The financial implications of the proposed improvements in legislation to deal with commercial elements have been studied through the work of the Environmental Contaminants Act Amendments Consultative Committee. The additional costs to the federal government are estimated by that body to be approximately \$3 million per year.

Costs to  
Industry

Estimates of costs to industry, developed jointly with industry representatives through the consultation process, are about \$7 million in one-time costs and \$3 to \$10 million in

annual costs. These costs relate primarily to the development of data packages required for new chemicals.

There could be additional costs resulting from enactment of specific regulations under the proposed Environmental Protection Act. Those costs are, of course, not yet known, but would be assessed as part of the regulatory process, as would the costs which would be incurred through failure to regulate.

**Regulatory Policy**

The federal governments' Regulatory Policy and the Citizens' Code of Regulatory Fairness announced in March 1986 ensure that new regulations are scrutinized for their impact on Canadian society. The proposed Environmental Protection Act itself provides for public consultation on regulatory matters.

**Benefits**

A multi-stakeholder group consisting of organized labour, environmental groups, industry and governments concluded that the health and environmental benefits derived from the proposed Environmental Contaminants Act amendments in new Act will outweigh the costs to industry and government.









